S.B. Civil Writ Petition No.3796/06
Sharwan Kumar Meena Vs. State & Anr.

Date of Order : 12/05/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Anand Sharma, for petitioner

Petitioner, who is working as LDC in the office of respondents on account of being convicted by the Court of learned Judicial Magistrate, Sawaimadhopur u/s.409 read with Section 277A IPC vide order dt.3rd December, 2005 was dismissed from service vide order Ann.8 dt.22nd March, 2006 in exercise of Rule 19 of Rules, 1958. But, against the order of conviction, petitioner preferred appeal and in appeal, the sentence as well as order of conviction, both have been stayed by the learned District & Sessions Judge, Sawaimadhopur vide order dt.5th April, 2006.

Counsel submits that after conviction being stayed by the competent court, he served notice of demand for justice dt.26th April, 2006. But, the respondents have failed to consider his grievance in view of change in circumstances.

From bare perusal of order Ann.8, the dismissal has been given effect to only because of conviction passed by the competent court on 3rd December, 2005, but the

same has been stayed by the court of learned District & Sessions Judge vide order dt.5th April, 2006.

Without going into merits of the matter, I consider it proper to direct the petitioner to make a fresh detailed representation within a period of 15 days pointing out all such facts before the concerned competent authority who will examine and decide the same taking into consideration the change in circumstances, particularly, about conviction being stayed vide order dt.5th April, 2006 and after affording opportunity of hearing to the petitioner, in accordance with law within a period of one month thereafter.

With the above directions, the writ petition stands disposed of.

[Ajay Rastogi],J.

FRB